IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL SECOND APPEAL No. 158 of 2006

NISHAR MOHAMMED
V/S
ACHALA RAM

Mr. SAJJAN SINGH, for the appellant / petitioner

Mr. SN VYAS, for the respondent

Date of Order : 3.7.2006

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the parties.

Vide order dt. 27.4.2006 notice was given only on the question of granting time to the appellant to vacate the suit premises. Today both the learned counsel are agreed that the appellant may be granted one year's time from today to vacate the suit premises. Accordingly, the appeal is dismissed.

However, as agreed by the learned counsel for the parties, the appellant is given one year's time to vacate the suit premises on the condition that the defendant gives an undertaking before the learned trial court within one month from today that on or before the expiry of the above period, he will peacefully hand over the vacant possession of the suit premises to the plaintiff and that during this

period, he will not, in any manner, transfer the possession of the suit premises to anybody. Likewise, the entire decretal amount, so also all arrears of rent, if any, shall be deposited by the appellant in the trial court within one month from today and shall further continue to deposit amount equal to the monthly rent by way of damages for use and occupation by 15th of each succeeding month, till the actual delivery of possession. In case the appellant fails to comply with any of the above conditions, the respondent will become automatically entitled to execute the decree forthwith.

(N P GUPTA),J.

/Sushil/